SOUTHERN DISTRICT OF NEW YO	)RK	
UNITED STATES OF AMERICA	X	
v.		Affirmation in Support of Application for Order of Continuance
MICHAEL AVENATTI,		19 Mag. 2927
Defendo		
State of New York County of New York Southern District of New York	) : ss.: )	

Matthew Podolsky, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

- 1. I am an Assistant United States Attorney in the Office of Geoffrey S. Berman, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).
- 2. The defendant was charged in a complaint dated March 24, 2019, with a violation of 18 U.S.C. §§ 371, 875(d), 1951, and 2. The defendant was arrested on March 25, 2019, and was presented before Magistrate Judge Katharine H. Parker on March 25, 2019. The defendant was represented by Sylvie Levine, Esq. and ordered released upon the signing of \$300,000 personal recognizance bond, to be co-signed by two financially responsible persons.
- 3. At the initial presentment, defense counsel consented to a waiver of her client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within

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21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government

initially had until April 25, 2019, within which to file an indictment or information.

4. On or about April 15, 2019, the defendant, through Sylvie Levine, Esq., who had

previously been appointed by Judge Parker to represent the defendant for purposes of

presentment, requested of the Government an agreement to an extension of the deadline for the

filing of an indictment by the Government of 30 days in order to permit the defendant additional

time to retain counsel to engage with the Government.

5. Therefore, the Government is requesting a 30-day continuance until May 28, 2019, to

continue the foregoing discussions and reach a disposition of this matter. On April 16, 2019, I

personally spoke to defense counsel who specifically consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested

continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York April 22, 2019

Matthéw Podolsky

Assistant United States Attorney

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